

**United States District Court**  
**FOR THE NORTHERN DISTRICT OF TEXAS**  
**DALLAS DIVISION**

UNITED STATES OF AMERICA

v.

JOSEPH GARZA (1)  
KEVIN MCDONNELL (2)  
JAMES RICHARDSON (3)  
CRAIG FENTON (4)

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CRIMINAL ACTION NO. 3:22-CR-0390-S

**ORDER**

The Court grants Defendants' Joint Motion for Agreed Trial Date filed August 25, 2023 [ECF No. 62] on behalf of all Defendants set for trial. Trial of this case is reset from September 11, 2023, to **September 10, 2024, at 9:00 a.m.** This period of delay shall be excluded in computing the time within which the trial must commence. Pretrial motions and expert disclosures are due no later than **July 10, 2024**. Responses to pretrial motions are due no later than **July 24, 2024**. Any reply must be filed by **July 31, 2024**. Pretrial materials are due no later than **August 2, 2024**. The first pretrial conference is reset for **August 9, 2024 at 10:00 a.m.** These deadlines shall apply to Defendants Joseph Garza (1), Kevin McDonnell (2), James Richardson (3), and Craig Fenton (4).

On December 13, 2022, the Court found that this is a complex case, as set forth in 18 U.S.C. § 3161(h)(7)(B)(ii), making it unreasonable to expect adequate preparation for pretrial proceedings and for the trial itself within the time limits established by the Speedy Trial Act. *See* ECF No. 48. Subsequently, on August 18, 2023, the Court granted Defendants' Unopposed Motion for Continuance of Trial and Pretrial Deadlines [ECF No. 57, 60].


Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court may grant an "ends of justice" continuance at the request of a defendant or defendant's attorney if the Court does so on the basis of findings "that the ends of justice served by taking such action outweigh the best interest of the

public and the defendant in a speedy trial.” One of the factors the Court may consider in granting an “ends of justice” continuance is “[w]hether the failure to grant such a continuance . . . would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” *Id.* § 3161(h)(7)(B)(iv).

For the reasons set out in Defendants’ Unopposed Motion for Continuance of Trial and Pretrial Deadlines and Joint Motion for Agreed Trial Date, the Court finds that (1) the ends of justice served by the granting of a trial continuance outweigh the best interests of the public and Defendants in a speedy trial; (2) the failure to grant a continuance in this case would deny Defendants’ counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence; and (3) taking into account the exercise of due diligence by defense counsel, a continuance of the duration granted by this order is necessary for effective preparation by defense counsel.

**SO ORDERED.**

SIGNED August 28, 2023.



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**KAREN GREN SCHOLER**  
**UNITED STATES DISTRICT JUDGE**